IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1774 OF 2007

Kamdhenu Apnaghar Unit No.14
Co-operative Housing Society Ltd. ...Petitioner
V/s.
Mr.Girish P. Shah & Ors. ...Respondents

Mr.Y.D. Mulani for the Petitioner.
None for the Respondents.

CORAM : V.M. KANADE, J.

DATED : JULY 4, 2007

P.C. :-

1. Heard the learned Counsel for the petitioner.

2. The petitioner is challenging the order passed by the Divisional Joint Registrar, Co-operative Societies, Mumbai, whereby he was pleased to dismiss the revision application filed by the petitioner for want of prosecution.

3. The learned Counsel for the petitioner submitted that the revisional Court ought to have given hearing to the petitioner. After perusing the impugned order, it is apparent that the petitioner had remained absent continuously on more than six occasions. The grievance of the petitioner is that the Appellate authority had granted membership to the respondent under Section 23

Sub-clause 2 of the MCS Act. He submitted that the respondent no.1 had not cleared the dues of the society while purchasing the gala from the previous member. The second grievance is that the respondent no.1 has carried out unauthorised construction in front of his shop and the thirdly, no objection to that effect was not obtained from the Managing Committee.

4. I have perused the order passed by the Appellate Court. The Appellate Court has rightly observed that the society has a remedy of filing a complaint before the Municipal Authority and has right to institute recovery proceedings for recovering dues from respondent no.1.

5. In this view of the matter, I do not see any reason to interfere with the order passed by the revisional authority. It is clarified that the petitioner shall be at liberty to take such steps to recover the arrears which is due and payable by the respondent no.1.

. Writ petition is disposed of, accordingly.

(V.M. KANADE, J.)